

**MARICOPA COUNTY RESOLUTION
FOR
PERMITS TO WORK IN DEDICATED
MARICOPA COUNTY RIGHT-OF-WAY
(RESOLUTION 2001-01)**

WHEREAS, it is necessary in the public interest that all uses within the right-of-way for public roads, streets, alleys and way by individuals, corporations, associations, and political subdivisions be regulated and controlled so that said public roads, streets alleys and way may be effectively utilized and maintained for their primary purposes as public ways, and

WHEREAS, the laws of the State of Arizona authorize the Board of Supervisors of Maricopa County to control and manage said public roads, streets and alleys within Maricopa County.

NOW, THEREFORE, BE IT RESOLVED that no person, corporation, association or other political subdivision shall, without obtaining a permit therefore, enter upon any public road, street, alley or way or upon the right-of-way of any public road, street, alley or way, not a State Highway, outside the corporate limits of any city or town for the purpose of performing construction, reconstruction, removal, repair, maintenance or any other work, including, but not limited to the following:

1. Pavement, curbs, gutters, driveways, sidewalks;
2. Drainage or flood control facilities;
3. Grading, oiling, graveling or any surfacing of any road, street, alley or way;
4. Water, gas, sewer or other types of pipelines;
5. Irrigation and waste water facilities;
6. Utility lines such as electric, television, telephones, communications and other franchised facilities;
7. Structures, signs (whether temporary or permanent);
8. Plantings, landscaping, watering and/or drainage systems, and decorative placements;
9. Any of the above which may overhang the public road, street, alley or way.
10. Stockpiling of material.
11. Special Events, i.e. parades, filming, events that obstruct or impact traffic.
12. Blanket permit for emergency repair and maintenance of existing utilities.

BE IT FURTHER RESOLVED that the Board of Supervisors of Maricopa County hereby authorizes the County Engineer to issue such permits.

BE IT FURTHER RESOLVED that all applications for such permits shall be in writing on such form as required by the Maricopa County Department of Transportation, unless waived in writing, by the County Engineer. The application shall be accompanied by no less than three (3) copies of plans, or similar exhibits of a size and in the quantity prescribed by the Maricopa County Department of Transportation, sufficient to clearly illustrate the location, dimension, motive, method and purpose of the proposed work. Upon submittal, the applicant shall pay the applicable plan review fee as set forth in **Exhibit A**, herein.

Applicants for such permits may be either an owner or a contractor; however, the work may be performed only by (1) a contractor, (2) utility company, (3) governmental agency, or (4) resident owner of residential property, where the property owner proposes to do the work. **If the improvement to be constructed under the permit is not to become the property of the County of Maricopa, and if the applicant is someone other than the owner, the owner shall also sign the permit form indicating that he/she agrees to the conditions of the permit.** Permits shall be issued only to the person, corporation, association or political subdivision making application therefor and may not be assigned to another person, corporation, association or political subdivision by the permittee. If a permittee assigns his permit to another, the permit shall become void. A permit shall

be valid for a maximum of one year from date of issue, or as indicated on the permit, unless cancelled sooner. If work is not completed within one year, or the allotted time period, a new permit must be obtained for such uncompleted work. The permit fee shall be based on the value of uncompleted work from the original permit, but in no case shall the new permit fee be less than twenty (20) percent of the original permit fee. If no work is performed after a permit is obtained, the permittee may apply for cancellation of the permit in writing, prior to expiration. If approved, the fee, less processing and twenty (20) percent review fee charged, shall be refunded to the permittee.

BE IT FURTHER RESOLVED that if any work is undertaken prior to securing a permit, the Maricopa County Department of Transportation may require the county road to be restored to its original condition prior to granting a permit, or may charge a reasonable fee not to exceed \$1,500, in addition to the normal permit fee for inspection and examination of the work completed prior to issuance of a permit. All work shall cease until the Maricopa County Department of Transportation determines whether the public road should be restored to its original condition or grants a permit in accordance with this resolution.

BE IT FURTHER RESOLVED that this resolution shall not prevent any person, corporation, association or political subdivision from maintaining any pipe or conduit lawfully on or under any public street, or from making excavation as may be necessary for the preservation of life or property when an urgent necessity therefor arises during the hours the offices of the Maricopa County Department of Transportation are closed, except that those making emergency use shall apply for a permit within one (1) business day after the offices are again opened. Traffic control as specified by MCDOT shall be provided by owner during such work.

BE IT FURTHER RESOLVED that all work done in said public roads, streets, alleys or ways shall be done in accordance with the permit and specifications of Maricopa County for such installation.

BE IT FURTHER RESOLVED that the Maricopa County Department of Transportation shall furnish to the applicants such engineering and inspection services as will determine if the improvements constructed are in accordance with permits granted and the specifications and details mentioned in this resolution. Any persons or corporation, association, or political subdivision, doing work under any permit as set forth in this resolution **shall notify the Department of Transportation at least one full working day in advance of the time and place the work will begin.**

BE IT FURTHER RESOLVED that the applicant shall, before any permit is issued, deposit with the Maricopa County Department of Transportation a permit fee as determined from the schedule of fees set forth in **Exhibit B**, herein.

BE IT FURTHER RESOLVED that the Maricopa County Department of Transportation shall require each applicant referred to in this resolution, before granting the permit, to deposit with this office an amount in cash or a performance bond of a sum up to 100% of the amount of the cost of work proposed in the application, as determined by the Maricopa County Department of Transportation, as a guarantee that the work will be completed in accordance with the permit and the County's adopted or approved details and specifications. The applicant shall be issued a receipt for a cash bond. Work bonded to Maricopa County under the provisions of the Subdivision Regulations is not required to be bonded under the provisions of this paragraph.

The bond shall be joint and several in form and made payable to Maricopa County Department of Transportation. The bond shall be signed by the applicant or the property owner if he/she is not the applicant, and a qualified surety company authorized to transact business in the State of Arizona. The condition shall be that the applicant will faithfully complete the work described in the application in accordance with the plans, specifications and conditions thereof.

The bond shall be released upon satisfactory completion and acceptance of the work, or may be cancelled after the applicant has provided other security satisfactory to the County which will cover obligations that remain.

No deposit shall be less than Two Hundred Fifty Dollars (\$250.00) on work done under this article.

In instances where an applicant is issued numerous small permits throughout the year, he may post a continuing bond to cover work under more than one permit; however, this continuing bond provision is not intended for use on new subdivision type work. The continuing bond shall be of value sufficient to cover all work under construction by the permittee at any time and shall be satisfactory to the Maricopa County Department of Transportation.

The bond is subject to cancellation as noted above, or may be terminated after all obligations are fulfilled which were "permitted" prior to the Maricopa County Department of Transportation receiving cancellation notice from Surety. Surety shall not cancel, change or amend any bond without fifteen days prior written notice having been served on the Maricopa County Department of Transportation.

BE IT FURTHER RESOLVED that the permittee shall be responsible for all liability imposed by law for personal injury or property damage arising out of or related to work performed by the permittee under permit, or arising out of the claim of such liability is made against the County, its officers, agents, boards or employees. The permittee shall defend, indemnify and hold them, and each of them, harmless from such claim, including claims alleging the joint negligence of the County, its officers and employees and the permittee.

No applicant shall be entitled to a permit under this resolution unless and until he/she has filed and maintains on file with the Maricopa County Department of Transportation, a certificate certifying that he/she, and /or his/she company or business firm carries public liability and property damage insurance issued by an insurance carrier authorized to do business in the State of Arizona, insuring the applicant and the County and its agents, against loss by reason of injuries to, or death of persons or damages to property arising out of or related to work performed by the applicant, its agent's subcontractors or employees while performing any work under such permit. Such insurance shall be primary and provide coverage for all liability assumed by the applicant under this section, and shall be provided by any permittee in the following minimum amounts:

\$500,000 for death of, or injury to, any one person in any one accident;

\$1,000,000 for death of, or injuries to, more than one person in any one accident.

\$500,000 for damages to property.

Failure by the applicant to provide the Maricopa County Department of Transportation with such a certificate, and failure by the Maricopa County Department of Transportation to demand the filing by permittee of such a certificate before such a permit is issued, shall not be deemed to waive permittee's obligation to provide the insurance specified herein. Such insurance certificate shall remain in effect and be kept on file with the Maricopa County Department of Transportation until all work to be performed by the

permittee under the permit has been completed.

Where an encroachment involves a permanent obstruction, such insurance certificate requirements and other resolution stipulations shall remain in effect until such obstruction is removed.

The insurance certificate shall provide that coverage cannot be cancelled or expire without providing fifteen days written notice of such action to the Maricopa County Department of Transportation.

No evidence of liability insurance or surety bond shall be required as a condition precedent to the issuance of a permit for: (1) a federal, state, county or municipal agency or political subdivision; or (2) any public service corporation with a net worth of more than \$1,000,000 as reflected by its most current balance sheet, or (3) a resident owner of a residential property where he/she proposes to perform construction himself/herself, in front of his/her own property which does not obstruct the public street.

No permit shall be issued for work within the right-of-way in which a contractor is engaged in a county road project without written permission from the contractor accompanying the application for permit.

BE IT FURTHER RESOLVED that installation of any permanent improvement that must be removed or relocated at a later time, due to a public improvement, as directed by the County Engineer, shall be accomplished within a reasonable time so as not to cause undue delay to Maricopa County. A separate permit shall be applied for and issued prior to removing or relocating the improvement in conflict and the owner shall bear all expenses.

FURTHERMORE, issue of permits as herein provided shall not eliminate any obligation by the applicant for any other permits that may be required by either federal, state, local or other county jurisdictions.

BE IT FURTHER RESOLVED that this Resolution is intended to replace the Resolutions of the Board of Supervisors dated October 5, 1970, October 20, 1975, August 2, 1982, and February 16, 1994.

BE IT FURTHER RESOLVED that the effective date of the revised provisions of this Resolution shall be the date of adoption.

Dated this day of September 5, 2001

BY:



Chairman, Board of Supervisors

ATTEST



Clerk, Board of Supervisors

ADOPTED 9/5/01

Type of Review

Fee

Construction Plans

Commercial/ Residential Development	\$ 100.00 per sheet
Second and subsequent reviews	\$ 50.00 per sheet
Traffic Control Plan Review	\$ 30.00 each
review	
Public Utility Company	No charge
Home Owner Improvement (Own Frontage)	No charge
Municipalities with reciprocal agreement	No charge

Development Proposals

Zoning Cases	\$ 250.00 each
Development Master Plan Review (DPM)	\$ 500.00 each
Subdivision Plats	\$ 100.00 each
Existing Right-Of-Way Abandonment	\$ 250.00 each
Future Right-Of-Way Waivers	\$ 75.00 each

EXHIBIT B

SCHEDULE OF PERMIT FEES

Permit fee shall be based on 3 percent of the approved Engineer's cost estimate or project assurance bond.

Permit processing fee shall be \$ 50.00 per permit.

Early pavement cut fee shall be \$ 20.00 per linear foot.